(14)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ.
& HON'BLE SHRI D.R. DESHMUKH, J.

Misc. Appeal NO. 1191 OF 2005

Appellant Claimants		Smt. Rajmati Bai, Wd/o Feku Ram, Aged about 28 yrs. R/o Village Sarona, (Old Market Chowk), P.S.-Amanaka, Tah. & Distt. Raipur C.G.
	Vs.	
RESPONDENTS Non-applicants	1.	Ram Chandra Yadav, S/o Hemchand Yadav, R/o Sarona (Near Market Chowk), Itabhatta, P.S. Amanaka Raipur, Tah & Distt. Raipur (C.G.)
	2.	Arun Mishra, S/o Dasharath Mishra R/o Ring Road Chowk, Raipura, Tah. & Distt. Raipur (C.G.)
	3.	The Oriental Insurance Co. Ltd. Through – Divisional Manager, The Oriental Insurance Co. Ltd., Kachahari Chowk, Jail Road Raipur, Tah & District – Raipur (C.G.)

Present : Mr. S.C. Verma, learned counsel for the appellant.

Mr. Ali Asgar, learned counsel for respondent No.3.

ORAL ORDER

(Passed on 16th January, 2006)

The following order of the Court was passed by

S.R. NAYAK, CJ. :

The appellant is the mother of the deceased. In this appeal, she has sought more compensation than what has been awarded by the learned MACT. It was contended by learned counsel for the appellant that the MACT is not justified in not awarding any compensation under the conventional heads, such as, loss of filial love and loss of estate. The above heads are permissible heads under which the MACT is expected to award reasonable compensation in death case, which could reflect time

and place and the present money value. In that view of the matter, there is no justification for the MACT not to award any compensation under the above conventional heads.

(2) Therefore, we allow the appeal in part and award a sum of Rs.25,000/- towards loss of filial love and another sum of Rs.25,000/- towards loss of estate. The impugned award shall stand modified in the above terms. In all other respects, the impugned award shall remain unaltered. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb
Deshmukh
Judge

Subhy